

Amendments to Senate Bill No. 175
1st Reading Copy

Requested by Senator Llew Jones

For the Senate Education and Cultural Resources Committee

Prepared by Julie Johnson
February 6, 2013 (1:41pm)

1. Title, page 2, line 4, through page 2, line 6.

Strike: "PROVIDING" on line 4 through "DISTRIBUTION;" on line 6

2. Title, page 2, line 8.

Strike: "15-36-331,"

3. Title, page 2, line 8.

Following: "20-7-104,"

Insert: "20-9-141,"

4. Title, page 2, line 11.

Strike: "RETROACTIVE"

Insert: "AN"

Following: "APPLICABILITY"

Strike: "DATES"

Insert: "DATE"

5. Page 3, line 24 through page 6, line 1.

Strike: section 3 in its entirety

Renumber: subsequent sections

6. Page 9, line 17.

Following: line 16

Insert: "Section 5. Section 20-9-141, MCA, is amended to read:

"20-9-141. **Computation of general fund net levy requirement by county superintendent.** (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid, the natural resource development K-12 funding payment, and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

(iii) anticipated oil and natural gas production taxes;

(iv) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703; and

(v) school district block grants distributed under 20-9-630.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Determine the sum of any amount remaining after the determination in subsection (1)(c) and any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e) Subtract the amount determined in subsection (1)(d) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."

{ Internal References to 20-9-141:

20-9-104x	20-9-104x	20-9-104x	20-9-104x
20-9-235x	20-9-308x	20-9-308x	20-9-353x
20-9-515x }"			

Renumber: subsequent sections

7. Page 9, line 26.

Following: "entitlements"

Insert: "above the direct state aid"

8. Page 9, lines 26 and 27.

Strike: "based" on line 26 through "20-9-622(4)" on line 27

Insert: "which must be an amount equivalent to the greater of 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) or 50% of the oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the school fiscal year in which the payment is provided plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3) (a) "

9. Page 12, line 8.

Following: "entitlements"

Insert: "above the direct state aid"

10. Page 12, lines 8 and 9.

Strike: "funded" on line 8 through "20-9-622(3)" on line 9

Insert: ", which must be an amount equivalent to the greater of 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) or 50% of the oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the school

fiscal year in which the payment is provided plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3)(a)"

11. Page 16, line 1.

Following: "3 years"

Insert: "according to the department of natural resources and conservation"

12. Page 24, line 28.

Strike: "20-9-622(4)"

Insert: "20-9-622(3)"

13. Page 25, line 13.

Strike: "20-9-622(4)"

Insert: "20-9-622(3)"

14. Page 40, line 28 through page 41, line 5.

Strike: subsection (3) in its entirety

ReNUMBER: subsequent subsections

15. Page 41, line 8.

Strike: "distributed"

Insert: "reserved for an appropriation in the next regular session of the legislature"

16. Page 41, line 9.

Strike: "as provided in subsection (3)"

Insert: "referred to in 20-9-306"

17. Page 41, line 12.

Strike: "(4)(b)"

Insert: "(3)(b)"

18. Page 41, line 20.

Strike: "(4)(b)(i)"

Insert: "(3)(b)(i)"

19. Page 42, line 9.

Strike: "20-9-310(4)(a) through (4)(e)"

Insert: "20-9-310(4)(a)(i) through (4)(a)(iv) have occurred"

20. Page 42, line 10.

Strike: "20-9-310(4)(f)"

Insert: "20-9-310(4)(b)"

21. Page 42, line 15 through 18.

Strike: section 32 in its entirety

Renumber: subsequent sections

22. Page 43, line 1.

Strike: "retroactive"

23. Page 43, line 2.

Strike: "subsections (2) and (3)"

Insert: "subsection (2)"

24. Page 43, lines 4 and 5.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

- END -